

House File 355 - Introduced

HOUSE FILE _____
BY COHOON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning fireworks by providing for the licensure of
2 operators authorized to use and explode fireworks, permitting
3 fees for fire protection services related to fireworks
4 displays, and making penalties applicable and providing an
5 effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 2311HH 82
8 ec/gg/14

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1 1 Section 1. NEW SECTION. 101B.1 FIREWORKS OPERATOR
1 2 LICENSE.

1 3 The state fire marshal shall provide for the issuance of
1 4 fireworks operator licenses to eligible persons. Licenses
1 5 shall be issued for a period not to exceed one year and may be
1 6 issued for shorter periods. The state fire marshal shall
1 7 adopt rules governing criteria for the issuance and renewal of
1 8 a license, the license fee, and for the revocation or
1 9 suspension of a license. The license fee shall be reasonably
1 10 related to the costs to the state fire marshal for
1 11 administering this section and fees received shall be retained
1 12 by the state fire marshal for this purpose.

1 13 Sec. 2. Section 461A.42, subsection 2, Code 2007, is
1 14 amended to read as follows:

1 15 2. The use of fireworks, as defined in section 727.2, in
1 16 state parks and preserves is prohibited except as authorized
1 17 by a permit issued by the department. The commission shall
1 18 establish, by rule adopted pursuant to chapter 17A, a
1 19 fireworks permit system which authorizes the issuance of a
1 20 limited number of permits to qualified persons with a
1 21 fireworks operator license issued pursuant to section 101B.1
1 22 to use or display fireworks in selected state parks and
1 23 preserves. A person violating this subsection is guilty of a
1 24 simple misdemeanor. In addition to any other penalties, the
1 25 punishment imposed for a violation of this subsection shall
1 26 include assessment of a fine of not less than two hundred
1 27 fifty dollars. The court shall order restitution if any
1 28 damages were caused by the violation which may include, but is
1 29 not limited to, community service.

1 30 Sec. 3. Section 727.2, unnumbered paragraph 2, Code 2007,
1 31 is amended to read as follows:

1 32 A person, firm, copartnership, or corporation who offers
1 33 for sale, exposes for sale, sells at retail, or uses or
1 34 explodes any fireworks, commits a simple misdemeanor. In
1 35 addition to any other penalties, the punishment imposed for a
2 1 violation of this section shall include assessment of a fine
2 2 of not less than two hundred fifty dollars. However, the
2 3 council of a city or a county board of supervisors may, upon
2 4 application in writing, grant a permit for the display of
2 5 fireworks by municipalities, fair associations, amusement
2 6 parks, and other organizations or groups of individuals
2 7 approved by the city or the county board of supervisors when
2 8 the fireworks display will be handled by a competent operator,

~~2 9 but no such with a fireworks operator license issued pursuant~~
~~2 10 to section 101B.1. In addition, as a condition of granting a~~
~~2 11 permit, the council of a city or a county board of supervisors~~
~~2 12 may requirement payment of a reasonable fee for fire~~
~~2 13 protection services related to the fireworks display. A~~
2 14 permit shall not be required for the display of fireworks at
2 15 the Iowa state fairgrounds by the Iowa state fair board, at
2 16 incorporated county fairs, or at district fairs receiving
2 17 state aid except that the display of fireworks shall be

2 18 handled by an operator with a fireworks operator license
2 19 issued pursuant to section 101B.1. Sales of fireworks for
2 20 such display may be made for that purpose only.
2 21 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
2 22 2008.

2 23 EXPLANATION

2 24 This bill establishes a fireworks operator license to be
2 25 issued by the state fire marshal which authorizes the holder
2 26 to use or detonate fireworks as authorized by law. The bill
2 27 provides that licenses shall be issued for no longer than one
2 28 year. The bill provides that the state fire marshal shall
2 29 adopt rules governing the issuance of the license, the fee for
2 30 the license, and provisions for the revocation or suspension
2 31 of a license. The bill provides that the fee charged shall be
2 32 retained by the state fire marshal for administering this new
2 33 provision.

2 34 The bill provides that entities otherwise authorized to
2 35 allow the display of fireworks shall only permit the display

3 1 to be conducted by a person with a fireworks operator license.
3 2 Code section 461A.42, which permits the use of fireworks in
3 3 state parks and preserves under certain circumstances, is
3 4 amended to provide that any person authorized to use and
3 5 explode fireworks shall have a fireworks operator license.

3 6 Code section 727.2, which authorizes fireworks displays for
3 7 fairs or if allowed by the applicable city or county, is also
3 8 amended to provide that any person authorized to use and
3 9 explode fireworks shall have a fireworks operator license. In
3 10 addition, the bill provides that a city or county granting a
3 11 permit for a fireworks display may require payment of a
3 12 reasonable fee for fire protection services related to the
3 13 display. A violation of this section concerning fireworks is
3 14 a simple misdemeanor and subjects the violator to a fine of
3 15 not less than \$250.

3 16 This bill takes effect January 1, 2008.

3 17 LSB 2311HH 82

3 18 ec:nh/gg/14.1